

Remarks

A. Pending Claims

Claims 531-556, 558-609, 623-625, 665-706, 5150-5194 are currently pending. Claims 539, 623, 665, and 704 have been amended. Claim 539 has been amended to correct a typographical error. Claim 610 has been cancelled without prejudice. Claims 5191-5194 are new.

B. Withdrawn Claims

In item 1 of the Office Action, the Examiner states:

It is noted that claims 610, 623-625, 665-706, as well as new claims 5150-5190, are directed to species, i.e., the species B-E as set forth in the election requirement (Paper No. 15, dated October 10, 2002), but do not presently include all the limitations of the generic claim. As per MPEP Section 809.02(c), before this application can be passed for issue, these species claims must either be amended to ‘fully embrace an allowed generic claim’, i.e., claim 531, or be cancelled.

Independent claims 623, 665, and 704 have been amended to include features of generic claim 531. Applicant respectfully requests reconsideration of the withdrawn claims.

C. Provisional Double Patenting Rejection

The Examiner rejected claims 531-609 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 531-609 of copending U.S. Application No. 09/841,437. Applicant disagrees that a terminal disclaimer is needed over U.S. Application No. 09/841,437 and U.S. Application No. 09/841,638. In the interest of expediency, however, a terminal disclaimer is being submitted as a separate document.

D. Additional Comments

Applicant submits that all claims are in condition for allowance. Favorable reconsideration is respectfully requested.

A Fee Authorization is enclosed to cover fees for a Request for Continued Examination. If an extension of time is required, Applicant hereby requests the appropriate extension of time. If any additional fees are required or if any fees have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5659-09600/EBM.

Respectfully submitted,



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